

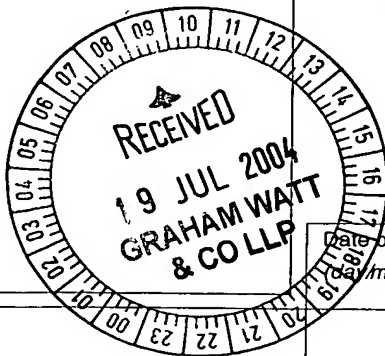
PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

DUE DATE	MANUAL	COMPUTER
	<i>[Signature]</i>	<i>[Signature]</i>
PCT		

To:

Gambell, Derek
GRAHAM WATT & CO
St. Botolph's House
7-9 St. Botolph's Road
Sevenoaks, Kent TN13 3AJ
GRANDE BRETAGNE



NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 71.1)

Date of mailing (day/month/year) 15.07.2004

Applicant's or agent's file reference
PCT1773/DG

IMPORTANT NOTIFICATION

International application No.
PCT/GB 03/02351

International filing date (day/month/year)
29.05.2003

Priority date (day/month/year)
01.06.2002

Applicant
DONNELLY, Rory Joseph

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Davis, M

Tel. +49 89 2399-2703



INTERNATIONAL PRELIMINARY EXAMINATION REPORT



(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PCT1773/DG	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB 03/02351	International filing date (day/month/year) 29.05.2003	Priority date (day/month/year) 01.06.2002
International Patent Classification (IPC) or both national classification and IPC H04M1/66		
Applicant DONNELLY, Rory Joseph		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 23.12.2003	Date of completion of this report 15.07.2004
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Tillgren, M Telephone No. +49 89 2399-7497 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/02351**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-12 as originally filed

Claims, Numbers

1-9 filed with telefax on 27.04.2004

Drawings, Sheets

1/4-4/4 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☒ the claims, Nos.: 10-12
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB 03/02351**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-9
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-9
Industrial applicability (IA)	Yes: Claims	1-9
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

- 1) With regard to present claim 1 the document US-A-4 953 202 (hereinafter referred to as D1) discloses a telecommunication security device (abstract) in the form of a separate unit (fig 1), the device comprising, a first connector for connection to a telecommunications device (fig. 1 or 2), a second connector for connection to a telecommunications line (fig. 1 or 2), a switch having a normally closed position in which a signal pathway within the security device between the first connector and the second connector is enabled and an open position in which the signal pathway is interrupted (column 4, line 62- 68), a control device for controlling the position of the switch (column 5, line 31- 36), a programmable memory for storing allowed signal sequences and at least one authorised pass number (column 6, line 55-59 and column 11, line 16-22), a comparator in operative connection with the control device for comparing signals on the pathway with the allowed stored signal sequences, the control device being adapted to open the switch when a signal on the pathway does not match one of the stored signal sequences (claim 1), a programmer adapted to receive pass numbers and programming signals from a telecommunications device via a telecommunications line, the programmer including an authorised pass number recognition device for comparing a received pass number with the authorised pass numbers stored in the memory, and being adapted to program the memory only when an authorised pass number is received (column 3, line 33-50).

Even if there is no explicit mentioning of the two connectors. It has to be considered obvious that the device need to be connected to both the user terminal and the network to make any kind of sense. Also there need to be some kind of housing to protect the circuitry of the device.

The differences between the device of D1 and that of claim 1 is therefore the use of a lockable housing and the use of batteries as power source in claim 1.

The use a lockable housing or not is considered to be the result of purely implementational decisions, that are very well known in the art. To use a lockable housing do therefore not contribute to an inventive step.

Furthermore the use of a battery as power source instead of an external source is also considered to be obvious to the man skilled in the art and is even known from

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB 03/02351

the document US-A-5 809 126 (Hereinafter referred to as D2).

Hence claim 1 does fulfill the requirements of Article 33(2) PCT but not those of Article 33(3) PCT since its subject matter is novel but not inventive.

- 2) The additional subject matter of dependent claim 4 is also known from D1 (column 1).

Hence claim 4 does fulfill the requirements of Article 33(2) PCT but not those of Article 33(3) PCT since its subject matter is novel but not inventive.

- 3) The additional subject matter of the dependent claims 2 (to use a key to unlock the housing), 3 (to open the switch when the housing is opened) and 7 (to have a third connector) are all considered to be obvious in the light of D1 and D2.

Hence claims 2, 3 and 7 do fulfill the requirements of Article 33(2) PCT but not those of Article 33(3) PCT since their respective subject matter is novel but not inventive.

- 4) The features of method claims 6-9 correspond to those of method claims 1 and 3-5. Therefore the above identified deficiencies are also relevant for claims 6-9.

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CLAIMS

1. A telecommunications security device comprising:

(i) a first connector (12) for connection to a telecommunications device (14, 15);

(ii) a second connector (16) for connection to a telecommunications line (18);

(iii) a switch (20, 21) having a normally closed position in which a signal pathway (22, 23) within the security device between the first connector (12) and the second connector (16) is enabled and an open position in which the signal pathway (22, 23) is interrupted;

(iv) a control device (24, 25) for controlling the position of the switch (20, 21);

(v) a programmable memory (26, 27) for storing allowed signal sequences and at least one authorised pass number;

(vi) a comparator (30) in operative connection with the control device (24, 25) for comparing signals on the pathway (22, 23) with the allowed stored signal sequences, the control device (24, 25) being adapted to open the switch (20, 21) when a signal on the pathway (22, 23) does not match one of the stored signal sequences; and

(vii) a programmer (32) adapted to receive pass numbers and programming signals from a remote telecommunications device (52) via a telecommunications line connected to the second connector (16), the programmer (32) including an authorised pass number recognition device (34) for comparing a received pass number with the authorised pass numbers stored in the memory (26, 27), and being adapted to program the memory

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ART 34 AMDT

(26, 27) only when an authorised pass number is received.

2. A telecommunications security device according to claim 1, further comprising a battery (42) for powering the security device, wherein the control device (24, 25) is adapted to open the switch (20, 21) when no operative telecommunications device (14, 15) is connected to the first connector (12), thereby to save battery power.

3. A telecommunications security device according to claim 1 or 2, in the form of a separate unit stored in a lockable housing (46).

4. A telecommunications security device according to claim 3, wherein the lock (48) of the housing (46) is key operated.

5. A telecommunications security device according to claim 3 or 4, wherein the control device (24, 25) is adapted to open the switch (20, 21) when the lockable housing (46) is unlocked.

6. A telecommunications security device according to any preceding claim, wherein the telecommunications device (15) is the modem of a computer, wherein the control device (25) is adapted to open the switch (21) when the modem is connected to an Internet service provider and signal sequences on the pathway (23) do not match one of the stored signal sequences.

7. A telecommunications security device according to any preceding claim, further comprising a third connector (49) for connecting the security device to a telephone handset (50), the third connector (49) being connected within the security device to the programmer (32), whereby the memory (26) can be further programmed by use of the handset (50).

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ART 34 AMDT

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8. A method of controlling a telecommunications device by the use of a security device which comprises:

(i) a first connector (12) connected to the telecommunications device (14, 15),

(ii) a second connector (16) connected to a telecommunications line (18),

(iii) a switch (20, 21) having a normally closed position in which a signal pathway (22, 23) within the security device between the first connector (12) and the second connector (16) is enabled and an open position in which the signal pathway (22, 23) is interrupted,

(v) a programmable memory (26, 27);

(vi) a programmer (32) adapted to program the programmable memory (26, 27);

the method comprising:

storing at least one authorised pass number in said programmable memory (26, 27);

providing pass numbers and programming signals, including allowed signal sequences, from a remote telecommunications device (52) via the telecommunications line connected to the second connector to said programmer (32);

comparing a received pass number with the authorised pass number(s) stored in the memory (26, 27);

programming the memory (26, 27) with said allowed

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signal sequences only when an authorised pass number is received;

comparing signals on the pathway (22, 23) with the allowed stored signal sequences; and

opening the switch (20, 21) when a signal on the pathway (22, 23) does not match one of the stored signal sequences.

9. A method according to claim 8 wherein the security device further comprises a battery (42) for powering the security device, the switch (20, 21) being opened when no operative telecommunications device (14, 15) is connected to the first connector (12), thereby to save battery power.

10. A method according to claim 8 or 9 wherein the security device is in the form of a separate unit stored in a lockable housing (46) the switch (20, 21) is opened when the lockable housing (46) is unlocked.

11. A method according to claim 8, 9 or 10, wherein the security device further comprises a third connector (49) for connecting the security device to a telephone handset (50), the third connector (49) being connected within the security device to the programmer (32), the method comprising further programming the memory (26) by use of the handset (50):

12. A method according to any one of claims 8 to 11, wherein the telecommunications device (15) is the modem of a computer, and the method comprises opening the switch (21) when the modem is connected to an Internet service provider and signal sequences on the pathway (23) do not match one of the stored signal sequences.

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ART 34 AMDT